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Attorneys for Defendant  
CHECKR, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALICIA G. PHILLIPS, on behalf of herself,  
all others allegedly similarly situated,

Plaintiff,

vs.

CHECKR, INC.,

Defendant.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL OF CIVIL ACTION  
BY DEFENDANT CHECKR, INC.**

[28 U.S.C. §§ 1331, 1441 & 1446]

Trial Date: Not Set

Date Action Filed: February 21, 2020

Summons/Complaint Served: February 25, 2020

Removal from Superior Court of California, County  
of San Francisco; Case No.: CGC-20-583126

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF ALICIA G. PHILLIPS AND  
HER ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant Checkr, Inc. ("Defendant" or "Checkr") hereby  
removes the above-entitled action, Case No. CGC-20-583126, from the Superior Court of the State of

California, County of San Francisco, to the U.S. District Court for the Northern District of California.

This Removal is based on 28 U.S.C. §§ 1331, 1441(a) and 1446. This Notice is based upon the original jurisdiction of this Court over the parties under 28 U.S.C. § 1331 and the existence of a federal question herein. In support of its Notice of Removal, Checkr states as follows:

### **PLEADINGS, PROCESSES, AND ORDERS**

1. On February 21, 2020, Plaintiff Alicia Phillips (“Plaintiff”) filed a purported Class Action Complaint against Defendant in the Superior Court of California, County of San Francisco, entitled *Alicia G. Phillips v. Checkr, Inc.*, Case No. CGC-20-583126.

2. Plaintiff’s Complaint purports to allege a single claim for relief against Defendant under Section 1681e(b) of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681e(b). Plaintiff’s Complaint does not assert any additional claims against Defendant.

3. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, notices, and orders served upon Defendant in this action are attached as **Exhibit A**.

### **TIMELINESS OF REMOVAL**

4. On February 25, 2020, Plaintiff purported to serve Checkr with a copy of the Complaint.

5. This Notice of Removal is timely as it is being filed within thirty (30) days after service of the Summons and Complaint. 28 U.S.C. § 1446(b); Fed. Rule Civ. Proc. 6(a)(1)(C); *see also Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354-56 (1999) (30-day deadline to remove commences upon service of the summons and complaint).

### **BASIS FOR REMOVAL**

#### **FEDERAL QUESTION JURISDICTION**

6. 28 U.S.C. § 1331 provides that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the instant action based on federal question jurisdiction in that Plaintiff’s Complaint asserts a single claim under the FCRA, 15 U.S.C. § 1681 *et seq.*, a federal statute.

8. Specifically, Plaintiff asserts a claim under Section 1681e(b) of the FCRA, 15 U.S.C. § 1681b(b)(2). (**Exhibit A**, Complaint at ¶¶ 54-58.). Accordingly, this action presents a federal question

1 over which this Court has original jurisdiction under 28 U.S.C. § 1331, and removal of Plaintiff's  
2 Complaint is proper.

3 **VENUE**

4 9. Venue lies in the U.S. District Court for the Northern District of California pursuant to 28  
5 U.S.C. §§ 84(a), 1391, 1441(a) and 1446(a). This action was originally brought in the Superior Court of  
6 the State of California, County of San Francisco, and thus should be removed to the San Francisco or  
7 Oakland Division of this Court per Civil Local Rules 3-2(c) and (d).

8 **SERVICE OF NOTICE OF REMOVAL ON STATE COURT**

9 10. A true and correct copy of this Notice of Removal will be promptly served on Plaintiff  
10 and filed with the Clerk of the Superior Court of the State of California in and for the County of San  
11 Francisco as required under 28 U.S.C. § 1446(d).

12 **RESERVATION OF RIGHTS**

13 11. By filing this Notice of Removal, Checkr does not concede nor waive any defense or  
14 motion relating to this action, including that (i) Plaintiff has agreed to arbitrate the claim asserted in the  
15 Complaint on an individual basis; and (ii) Plaintiff lacks standing to bring this action. Defendant  
16 reserves all defenses relating to the Court's jurisdiction and the justiciability of this action.

17 WHEREFORE, Defendant, CHECKR, INC., prays that this civil action be removed from the  
18 Superior Court of California, County of San Francisco, to the United States District Court for the  
19 Northern District of California, San Francisco or Oakland Division.

DATED: March 25, 2020

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Eric Suits

Pamela Q. Devata (*pro hac vice* application  
forthcoming)

John W. Drury (*pro hac vice* application  
forthcoming)

Brandon S. Stein (*pro hac vice* application  
forthcoming)

Eric Suits

## **EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CHECKR, INC.

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

ALICIA G. PHILLIPS, on behalf of herself and all others similarly situated

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: Superior Court of California

(El nombre y dirección de la corte es): County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

CASE NUMBER: (Número del caso):  
CAC 20-503126

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Stephanie R. Tatar, Tatar Law Firm, APC

3500 West Olive Ave., Ste. 300, Burbank, CA 91505 Telephone: (323) 744-1146

DATE: FEB 21 2020  
(Fecha)Clerk, by  
(Secretario)KALENE APOLOVIR, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



### NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☒ by personal delivery on (date)

Stephanie R. Tatar (SBN 237792)  
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Burbank, California 91505  
Telephone: (323) 744-1146  
Facsimile: (888) 778-5695  
Stephanie@thetatarlawfirm.com

**FILED**  
San Francisco County Superior Court

FEB 21 2020

CLERK OF THE COURT  
BY: *Chelene Holm*  
Deputy Clerk

E. Michelle Drake\*  
John G. Albanese\*  
BERGER MONTAGUE PC  
43 SE Main Street, Suite 505  
Minneapolis, MN 55414  
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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

ALICIA G. PHILLIPS, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

CHECKR, INC.

Defendant.

**CGC-20-583126**

Case No.

**CLASS ACTION COMPLAINT  
FOR DAMAGES**

(I) Violations of the Fair  
Credit Reporting Act,  
15 U.S.C. § 1681, *et seq.*

**JURY TRIAL DEMANDED**

Plaintiff Alicia G. Phillips, by and through her attorneys, on behalf of herself and  
the Classes set forth below, brings the following Class Action Complaint against Checkr,  
Inc. ("Checkr" or "Defendant").

**BY FAX**

Stephanie R. Tatar (SBN 237792)  
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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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ALICIA G. PHILLIPS, on behalf of herself  
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Inc. ("Checkr" or "Defendant").

**BY FAX**



**INTRODUCTION**

1  
2 1. This consumer class action is brought under the Fair Credit Reporting Act,  
3 15 U.S.C. § 1681, *et seq.* (“FCRA”) against a screening company that routinely violates the  
4 FCRA’s by reporting inaccurate criminal convictions.

5 2. Recognizing that the content of consumer reports can have a significant  
6 impact on people’s lives, Congress and California have chosen to regulate the procurement,  
7 use, and content of those reports through the FCRA.

8 3. Plaintiff seeks to hold Defendant accountable for its willful and systemic  
9 violations of the FCRA. Defendant has willfully violated the FCRA by routinely reporting  
10 inaccurate information on consumers.

11 4. Defendant’s failure to ensure that its reports are accurate, and complete and  
12 up to date is illustrated by the experience of Plaintiff who had inaccurate convictions  
13 reported in connection with a job application.

**THE PARTIES**

14  
15 5. Plaintiff Alicia G. Phillips is an individual person and a resident of  
16 Jacksonville, Florida.

17 6. Defendant Checkr, Inc. is a Delaware corporation with its principal place of  
18 business in San Francisco, California. Checkr major clients include so-called “gig  
19 economy” companies such as Uber, Lyft, Postmates, and DoorDash.

20 7. Defendant sells criminal background checks to employers on job applicants.  
21 Defendant is a “consumer reporting agency” as defined by the FCRA, 15 U.S.C. 1681a(f).

**JURISDICTION AND VENUE**

22  
23 8. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681p  
24 and Cal. Civ. Code § 410.10.

25 9. Venue is proper in the County of San Francisco as Defendant is  
26 headquartered in this County.

**STATUTORY BACKGROUND**

10. Enacted in 1970, the FCRA's passage was driven in part by two related concerns: first, that consumer reports were playing a central role in people's lives at crucial moments, such as when they applied for employment or housing. Second, despite their importance, consumer reports were unregulated and had widespread errors and inaccuracies.

11. Recognizing that consumer reports play an important role in the economy, Congress wanted consumer reports to be "fair and equitable to the consumer" and to ensure "the confidentiality, accuracy, relevancy, and proper utilization" of consumer reports. 15 U.S.C. § 1681.

12. 15 U.S.C. § 1681e(b) requires consumer reporting agencies to follow reasonable procedures to ensure the maximum possible accuracy of the information they report.

**PLAINTIFF'S INACCURATE REPORT**

13. In or around July 2019, Plaintiff applied for a position at Postmates. As part of the application process Postmates ordered a background check from Defendant.

14. Defendant's background check was inaccurate and presented Plaintiff to her potential employer as having an extensive criminal record.

15. Defendant's report indicated that Plaintiff had multiple shoplifting and grand larceny convictions in South Carolina.

16. The background check included convictions which belong to a different Alicia Phillips. The background check indicated that Plaintiff had been convicted of multiple charges of shoplifting, as well as grand larceny, in Greenwood County, South Carolina. Plaintiff has never been convicted of any of these crimes.

17. Plaintiff has never resided in South Carolina or visited South Carolina.

1           18.     Plaintiff was born in February 1979. The convicted Alicia Phillips was born  
2 in April 1979 per her criminal records.<sup>1</sup>

3           19.     Plaintiff and the convicted Alicia Phillips also do not share a Social Security  
4 Number.

5           20.     Defendant knew Plaintiff's exact birth, and also knew Plaintiff's Social  
6 Security Number.

7           21.     In South Carolina, no criminal records stored with county clerks include full  
8 dates of birth. This is in accordance with South Carolina Rules of Civil Procedure Rule  
9 41.2.

10          22.     Rule 41.2 was added to the South Carolina Rules of Civil Procedure on  
11 April 15, 2014.

12          23.     Defendant has had five years to become aware of Rule 41.2 and how it  
13 applies to South Carolina court records.

14          24.     Statewide records of arrests and convictions (commonly called a "SLED  
15 report"), which include full dates of birth are publicly available from the South Carolina  
16 Law Enforcement Division.

17          25.     If Defendant had obtained Plaintiff's SLED report, it would have seen that  
18 neither of the convictions it was reporting belonged to Plaintiff.

19          26.     Records of arrest and booking in South Carolina contain full names and dates  
20 of birth, and are also publicly available.

21          27.     Had Defendant obtained booking records from South Carolina, it would have  
22 found that the individual charged is a different Alicia Phillips with a different Social  
23 Security Number and date of birth.

24  
25  
26  
27 <sup>1</sup> The specific days of the birth months are different between Plaintiff and the convicted  
28 Alicia Phillips as well, but have been omitted for privacy considerations.

28. By relying on incomplete data when more detailed information was available, Defendant did not follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

29. Upon viewing the report, Plaintiff was horrified, embarrassed, and humiliated.

30. She immediately disputed the report. Checkr saw their obvious error and corrected it.

31. Plaintiff may apply to other companies that use Checkr for background checks and is concerned that the inaccurate reporting could recur again.

#### **DEFENDANT'S BUSINESS PRACTICES**

32. Over the past 15 years, there has been increased collection and aggregation of consumer data, including criminal records data. As a result of the increasing availability of this data, there has been a boom in the background check industry.

33. As summarized in a recent report by the Consumer Financial Protection Bureau,<sup>2</sup> a 2018 survey of employers found that 95 percent of employers surveyed conducted one or more types of background screening. (CFPB Report at 4.)

34. The criminal background check industry takes in revenues of \$3 billion a year industry and is growing.<sup>3</sup>

35. Criminal background checks are generally created by running automated searches through giant databases of aggregated criminal record data. Defendant states that it “scours over 30 million records” in doing a national criminal records check.<sup>4</sup> The reports are created and disseminated with little to no manual, in person review, and the underlying court records are rarely directly reviewed in creating criminal background checks.

<sup>2</sup> CFPB, Market Snapshot: Background Screening Reports (Oct. 2019), [https://files.consumerfinance.gov/f/documents/201909\\_cfpb\\_market-snapshot-background-screening-report.pdf](https://files.consumerfinance.gov/f/documents/201909_cfpb_market-snapshot-background-screening-report.pdf) (“CFPB Report”).

<sup>3</sup> IBISWorld, Inc., *Background Check Services in the US: Report Snapshot*, available at <http://www.ibisworld.com/industry/background-check-services.html>.

<sup>4</sup> Checkr, Screening, <https://checkr.com/product/screenings/> (stating that Checkr “scours over 30 million records” in doing a national criminal records check).

1           36. Background check companies collect millions of criminal records from a  
2 number of sources with data from county, state, and federal level sources. The data included  
3 on the reports is often not obtained directly from court records on an individual basis but  
4 instead is purchased in bulk or scraped from court websites.

5           37. Defendant's criminal background checks provide information about whether  
6 a job applicant or employee has a criminal history.

7           38. Checkr's reports are compiled by doing searches through databases of  
8 criminal records. Checkr does not check the underlying records prior to issuing reports to  
9 ensure that reports are accurate and complete and up to date.

10           39. As demonstrated by Plaintiff's report, Defendant does not accurately copy  
11 information from public records. If it had, it would not have reported inaccurate records on  
12 Plaintiff.

13           40. Defendant is well aware of the FCRA has been sued dozens of times for  
14 reporting inaccurate or outdated information.

15           41. Defendant places its business interests above the rights of consumers and  
16 reports such inaccurate information because it is cheaper for Defendant to produce reports  
17 containing information that is inaccurate and incomplete than it is for Defendant to exert  
18 proper quality control over the reports prior to their being provided to Defendant's  
19 customers.

20           42. Defendant reports such erroneous and incomplete information because it  
21 wants to maximize the automation of its report creation process, thereby saving the costs  
22 associated with conducting the additional review necessary to remove the inaccurate or out-  
23 of-date entries.

24           43. Accordingly, Defendant has routinely and systematically willfully violated  
25 the FCRA.

26           44. Defendant is aware of the FCRA requirements as it is a member of the  
27 National Association of Professional Background Screeners ("NAPBS"). NAPBS puts on  
28

1 conferences multiple times a year where presenters discuss compliance with federal and  
2 California consumer reporting laws.

3 45. Defendant also offers “compliance courses” on its website for complying  
4 with the FCRA.

### 5 **CLASS ALLEGATIONS**

6 46. Plaintiff asserts her claims on behalf of the Class defined below:

7 All residents of the United States upon whom Defendant produced  
8 a report

- 9 1) within two years of the filing of the initial complaint in the  
10 matter to the date that the Class is certified;
- 11 2) where the report contained an inaccurate criminal record;
- 12 3) where the report did not match the date of birth or Social  
Security Number to the criminal record(s); and
- 13 4) where Checkr corrected the report upon receiving a dispute from  
the consumer.

14 47. This action is brought, and may properly be maintained, as a class action  
15 under Cal. Civ. Code § 382 as there is a well-defined community of interest in the litigation  
and the proposed Classes are ascertainable from Defendant’s records.

16 48. Numerosity: The Classes are so numerous that joinder of all class members  
17 is impracticable. Defendant produces reports nationwide, and has produced thousands of  
18 reports on consumers in California during the class period, many of whom are members of  
19 the Class.

20 49. Typicality: Plaintiff’s claims are typical of the class members’ claims.  
21 Defendant treated Plaintiff in the same manner as other class members.

22 50. Adequacy: Plaintiff will fairly and adequately protect the interests of the  
23 Classes, and have retained counsel experienced in complex class action litigation.

24 51. Commonality: Common questions of law and fact exist as to all members  
25 of the Classes and predominate over any questions solely affecting individual members of  
26 the Classes. These common questions include:

- a. Whether Defendant violated the FCRA by failing to follow reasonable procedures to assure maximum possible accuracy;
- b. Whether such violations were willful;
- c. The proper measure of damages;
- d. The proper form of injunctive relief.

52. Class certification is appropriate under Cal. Civ. Code § 382 because questions of law and fact common to the Class predominate over any questions affecting only individual members of the Class, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendant's conduct described in this Complaint stems from common and uniform policies and practices, resulting in common violations of the FCRA. Members of the Class do not have an interest in pursuing separate actions against Defendant, as the amount of each class member's individual claim is small compared to the expense and burden of individual prosecution. Class certification also will obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendant's practices. Moreover, management of this action as a class action will not present any likely difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all class members' claims in a single forum.

#### **COUNT I**

**15 U.S.C. § 1681e(b)**

*On Behalf of Plaintiff and the Class*

53. Plaintiff incorporates the paragraphs above.

54. Defendant failed to comply with 15 U.S.C. § 1681e(b) by failing to follow reasonable procedures to assure maximum possible accuracy of the records it reported, including by reporting criminal records that don't match Plaintiff's Social Security Number and date of birth.

55. The foregoing violations were negligent.

56. The foregoing violations were willful.



57. Defendant acted in negligent, deliberate and reckless disregard of its obligations and the rights of Plaintiff and class members under 15 U.S.C. § 1681e(b). Defendant's negligent and willful conduct is reflected by, *inter alia*, the following:

- a. Defendant's reports on Plaintiff inaccurately listed convictions and charges from South Carolina.
- b. Defendant had received reports from other consumers indicating that it was issuing incorrect reports that did not match the consumer's name, date of birth, or Social Security Number.
- c. The FCRA was enacted in 1970; Defendant has had many years to become compliant.
- d. Defendant's conduct is inconsistent with the FTC's longstanding regulatory guidance, judicial interpretation, and the plain language of the statute.
- e. Defendant knew or had reason to know that Defendant's conduct violated the FCRA.
- f. By adopting such a policy, Defendant voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

58. Plaintiff and the 1681e(b) Class are entitled to actual damages or statutory damages of not less than \$100 and not more than \$1,000 for this violation. Plaintiff is also entitled to punitive damages and to recover costs and attorneys' fees.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of himself and the Classes, prays for relief as follows:

- a. Determining that this action may proceed as a class action;
- b. Designating Plaintiff as class representatives and designating Plaintiff's counsel as counsel for the Classes;
- c. Issuing proper notice to the Classes at Defendants' expense;




- d. Declaring that Defendants violated the FCRA;
- e. Declaring that Defendants acted willfully, in knowing or reckless disregard of Plaintiff's rights and its obligations under the FCRA;
- f. Awarding actual, statutory and punitive damages as provided by the FCRA;
- g. Awarding appropriate injunctive relief to require Defendant to review underlying court records before issuing reports;
- h. Awarding reasonable attorneys' fees and costs as provided by the FCRA; and
- i. Granting other and further relief, in law or equity, as this Court may deem appropriate and just.

**DEMAND FOR JURY TRIAL**

Plaintiff and the Classes demand a trial by jury.

Dated: February 20, 2020

Respectfully submitted,

By:   
Stephanie R. Tatar (SBN 237792)  
TATAR LAW FIRM, APC  
3500 West Olive Avenue, Suite 300  
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jalbanese@bm.net  
\*pro hac vice forthcoming

*Attorneys for Plaintiff*

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephanie R. Tatar (SBN 237792) TATAR LAW FIRM, APC, 3500 West Olive Avenue, Suite 300 Burbank, California 91505		FOR COURT USE ONLY  <b>FILED</b> San Francisco County Superior Court  FEB 21 2020  CLERK OF THE COURT BY: <i>Chelene J. Lewis</i> Deputy Clerk
TELEPHONE NO.: (323) 744-1146 FAX NO. (Optional): (888) 778-5695 ATTORNEY FOR (Name): Plaintiff		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: 400 McAllister St. CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:		
CASE NAME: Alicia G. Phillips, on behalf of herself and all others similarly situated, v. Checkr, Inc.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000)		<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: <b>CGC-20-583126</b> JUDGE: _____ DEPT.: _____

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <b>Non-PIPD/WD (Other) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): (1) Violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 20, 2020

Stephanie R. Tatar

(TYPE OR PRINT NAME)

## NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b>
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i>	Breach of Rental/Lease	Construction Defect (10)
	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach—Seller	Securities Litigation (28)
	Plaintiff (not fraud or negligence)	Environmental/Toxic Tort (30)
	Negligent Breach of Contract/Warranty	Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	Other Breach of Contract/Warranty	<b>Enforcement of Judgment</b>
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment (20)
Asbestos Property Damage	Collection Case—Seller Plaintiff	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Confession of Judgment <i>(non-domestic relations)</i>
Product Liability <i>(not asbestos or toxic/environmental)</i> (24)	Insurance Coverage <i>(not provisionally complex)</i> (18)	Sister State Judgment
Medical Malpractice (45)	Auto Subrogation	Administrative Agency Award <i>(not unpaid taxes)</i>
Medical Malpractice—Physicians & Surgeons	Other Coverage	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Other Contract (37)	Other Enforcement of Judgment Case
Other PI/PD/WD (23)	Contractual Fraud	<b>Miscellaneous Civil Complaint</b>
Premises Liability (e.g., slip and fall)	Other Contract Dispute	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	<b>Real Property</b>	Other Complaint <i>(not specified above)</i> (42)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Declaratory Relief Only
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Injunctive Relief Only <i>(non-harassment)</i>
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Mechanics Lien
<b>Non-PI/PD/WD (Other) Tort</b>	Writ of Possession of Real Property	Other Commercial Complaint Case <i>(non-tort/non-complex)</i>
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Civil Complaint <i>(non-tort/non-complex)</i>
Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08)	Quiet Title	<b>Miscellaneous Civil Petition</b>
Defamation (e.g., slander, libel) (13)	Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i>	Partnership and Corporate Governance (21)
Fraud (16)	<b>Unlawful Detainer</b>	Other Petition <i>(not specified above)</i> (43)
Intellectual Property (19)	Commercial (31)	Civil Harassment
Professional Negligence (25)	Residential (32)	Workplace Violence
Legal Malpractice	Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i>	Elder/Dependent Adult Abuse
Other Professional Malpractice <i>(not medical or legal)</i>	<b>Judicial Review</b>	Election Contest
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Petition for Name Change
<b>Employment</b>	Petition Re: Arbitration Award (11)	Petition for Relief From Late Claim
Wrongful Termination (36)	Writ of Mandate (02)	Other Civil Petition
Other Employment (15)	Writ—Administrative Mandamus	
	Writ—Mandamus on Limited Court Case Matter	
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) STEPHANIE TATAR (SBN 237792) TATAR LAW FIRM, APC 3500 W OLIVE AVE-300 BURBANK, CA 91505 TELEPHONE NO: 323-744-1146 FAX NO (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY   <b>ELECTRONICALLY FILED</b> <i>Superior Court of California, County of San Francisco</i>  <b>02/26/2020</b> <b>Clerk of the Court</b> <b>BY: YOLANDA TABO-RAMIREZ</b> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 MCALLISTER STREET-103 MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, 94102 BRANCH NAME:	
PLAINTIFF / PETITIONER: ALICIA G. PHILLIPS DEFENDANT / RESPONDENT: CHECKR, INC.	CASE NUMBER: CGC-20-583126
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.: 4341773

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☒ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): NOTICE TO PLAINTIFF
3. a. Party served (specify name of party as shown on documents served):  
CHECKR, INC.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
DANIEL YANISSE, CEO
4. Address where the party was served:  
1 MONTGOMERY ST-2000, SAN FRANCISCO, CA 94104
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b. ☒ **by substituted service.** On (date): Tue, Feb 25 2020 at (time): 10:44 AM I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):  
EJ GIBSON, PERSON IN CHARGE
    - (1) ☒ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): Tue, Feb 25 2020 from (city): SAN FRANCISCO or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF / PETITIONER: ALICIA G. PHILLIPS  
 DEFENDANT / RESPONDENT: CHECKR, INC.

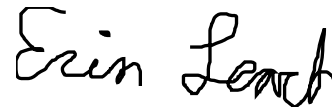
CASE NUMBER:  
 CGC-20-583126

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):
- ☐ Additional page describing service is attached.
6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): CHECKR, INC.  
 under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation)          | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
| <input type="checkbox"/> other:                                   |   |
7. **Person who served papers**
- a. Name: ERIN LEACH
- b. Address: LIGHTNING LEGAL PROCESS SERVICE, 4 Embarcadero Center 14th Fl., San Francisco, CA 94111
- c. Telephone number: 415-624-7747
- d. The fee for service was: \$105.00
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor
- (ii) Registration No: 2019-0001116
- (iii) County: SAN FRANCISCO
8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 02/26/2020

ERIN LEACH

(NAME OF PERSON WHO SERVED PAPERS / SHERIFF OR MARSHAL)



(SIGNATURE)

## **NOTICE TO PLAINTIFF**

A Case Management Conference is set for:

**DATE: JUL-22-2020**

**TIME: 10:30AM**

**PLACE: Department 610  
400 McAllister Street  
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference. However, it would facilitate the issuance of a case management order **without an appearance** at the case management conference if the case management statement is filed, served and lodged in Department 610 twenty-five (25) days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state. **This case is eligible for electronic filing and service per Local Rule 2.11. For more information, please visit the Court's website at [www.sfsuperiorcourt.org](http://www.sfsuperiorcourt.org) under Online Services.**

**[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]**

## **ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS**

**IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE SHOULD PARTICIPATE IN MEDIATION, ARBITRATION, NEUTRAL EVALUATION, AN EARLY SETTLEMENT CONFERENCE, OR OTHER APPROPRIATE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A TRIAL.**

(SEE LOCAL RULE 4)

Plaintiff **must** serve a copy of the Alternative Dispute Resolution (ADR) Information Package on each defendant along with the complaint. (CRC 3.221.) The ADR package may be accessed at [www.sfsuperiorcourt.org/divisions/civil/dispute-resolution](http://www.sfsuperiorcourt.org/divisions/civil/dispute-resolution) or you may request a paper copy from the filing clerk. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the ADR Information Package prior to filing the Case Management Statement.

**Superior Court Alternative Dispute Resolution Administrator  
400 McAllister Street, Room 103-A  
San Francisco, CA 94102  
(415) 551-3869**

See Local Rules 3.3, 6.0 C and 10 B re stipulation to judge pro tem.